

The Vermont Statutes Online

Title 18: Health

Chapter 179: ADMISSION PROCEDURES

§ 7501. Authority to receive patients

The head of a hospital which has been officially designated by the commissioner may receive therein for observation, diagnosis, care, and treatment any individual whose admission is sought on proper application. (Added 1967, No. 305 (Adj. Sess.), § 1, eff. Oct. 1, 1968.)

§ 7502. Control and treatment of patients

A person admitted to a hospital shall be subject to the control and treatment of the head of the hospital and the board until his condition warrants his release, or until he has been lawfully removed or otherwise discharged. (Added 1967, No. 305 (Adj. Sess.), § 1, eff. Oct. 1, 1968.)

§ 7503. Application for voluntary admission

(a) Any person 14 years of age or over may apply for voluntary admission to a designated hospital for examination and treatment.

(b) Before the person may be admitted as a voluntary patient he shall give his consent in writing on a form adopted by the department. The consent shall include a representation that the person understands that his treatment will involve inpatient status, that he desires to be admitted to the hospital, and that he consents to admission voluntarily, without any coercion or duress.

(c) If the person is under 14 years of age, he may be admitted as a voluntary patient if he consents to admission, as provided in subsection (b) of this section, and if a parent or guardian makes written application. (Added 1967, No. 305 (Adj. Sess.), § 1, eff. Oct. 1, 1968; amended 1977, No. 252 (Adj. Sess.), § 6.)

§ 7504. Application for emergency examination

(a) A person shall be admitted to a designated hospital for an emergency examination to determine if he is a person in need of treatment upon written application by an interested party accompanied by a certificate by a licensed physician who is not the applicant. The application and certificate shall set forth the facts and circumstances which constitute the

need for an emergency examination and which show that the person is a person in need of treatment.

(b) The application and certificate shall be authority for any mental health professional or law enforcement officer to take the person into temporary custody and to transport the person to a designated hospital for an emergency examination.

(c) For the purposes of admission of an individual to a designated hospital for care and treatment under this section, a head of a hospital, as provided in subsection (a) of this section, may include a person designated in writing by the head of the hospital to discharge the authority granted in this section. A designated person must be an official hospital administrator, supervisory personnel or a licensed physician on duty on the hospital premises other than the certifying physician under subsection (a) of this section. (Added 1967, No. 305 (Adj. Sess.), § 1, eff. Oct. 1, 1968; amended 1969, No. 33, § 2, eff. April 1, 1969; 1973, No. 107, § 4; 1977, No. 252 (Adj. Sess.), § 7.)

§ 7505. Warrant for immediate examination

(a) In emergency circumstances where a certification by a physician is not available without serious and unreasonable delay, and when personal observation of the conduct of a person constitutes reasonable grounds to believe that the person is a person in need of treatment, and he presents an immediate risk of serious injury to himself or others if not restrained, a law enforcement officer or mental health professional may make an application, not accompanied by a physician's certificate, to any district or superior judge for a warrant for an immediate examination.

(b) The law enforcement officer or mental health professional may take the person into temporary custody and shall apply to the court without delay for the warrant.

(c) If the judge is satisfied that a physician's certificate is not available without serious and unreasonable delay, and that probable cause exists to believe that the person is in need of an immediate examination, he may order the person to submit to an immediate examination at a designated hospital.

(d) If necessary, the court may order the law enforcement officer or mental health professional to transport the person to a designated hospital for an immediate examination.

(e) Upon admission to a designated hospital, the person shall be immediately examined by a licensed physician. If the physician certifies that the person is a person in need of treatment, the person shall be held for an emergency examination in accordance with section 7508 of this title. If the physician does not certify that the person is a person in need of treatment, he shall immediately discharge the person and cause him to be returned to the place from which he was taken, or to such place as the person reasonably directs. (Added 1967, No. 305 (Adj. Sess.), § 1, eff. Oct. 1, 1968; amended 1977, No. 252 (Adj. Sess.), § 8.)

§ 7508. Emergency examination

(a) When a person is admitted to a designated hospital for an emergency examination in accordance with sections 7504 or 7505(e) of this title, he shall be examined and certified by a psychiatrist as soon as practicable, but not later than one working day after admission.

(b) If the person is admitted on an application and physician's certificate, the examining psychiatrist shall not be the same physician who signed the certificate.

(c) If the psychiatrist does not certify that the person is a person in need of treatment, he shall immediately discharge the person and cause him to be returned to the place from which he was taken or to such place as the person reasonably directs.

(d) If the psychiatrist does certify that the person is a person in need of treatment, the person's hospitalization may continue for an additional 72 hours, at which time hospitalization shall terminate, unless within that period:

(1) the person has been accepted for voluntary admission under section 7503 of this title; or

(2) an application for involuntary treatment is filed with the appropriate court under section 7612 of this title in which case the patient shall remain hospitalized pending the court's decision on the application. (Added 1977, No. 252 (Adj. Sess.), § 15.)

§ 7509. Treatment; right of access

(a) Upon admission to the hospital pursuant to sections 7508, 7617 or 7624 of this title, the person shall be treated with dignity and respect and shall be given such medical and psychiatric treatment as is indicated.

(b) The person shall be given the opportunity, subject to reasonable limitations, to communicate with others, including the reasonable use of a telephone.

(c) The person shall be requested to furnish the names of persons he or she may want notified of his or her hospitalization and kept informed of his or her status. The head of the hospital shall see that such persons are notified of the status of the patient, how he or she may be contacted and visited, and how they may obtain information concerning him or her. (Added 1977, No. 252 (Adj. Sess.), § 16; amended 1997, No. 114 (Adj. Sess.), § 1a.)

§ 7510. Preliminary hearing

(a) Within five days after a person is admitted to a designated hospital for emergency examination, he may request the district court to conduct a preliminary hearing to

determine whether there is probable cause to believe that he was a person in need of treatment at the time of his admission.

(b) The court shall conduct the hearing within three working days of the filing of the request. The court shall cause timely notice of the preliminary hearing to be given to the patient or his attorney, the hospital and the attorney for the applicant.

(c) The individual has the right to be present and represented by legal counsel at the preliminary hearing.

(d) If probable cause to believe that the individual was a person in need of treatment at the time of his admission is established at the preliminary hearing, the individual shall be ordered held for further proceedings in accordance with the law. If probable cause is not established, the individual shall be ordered discharged from the hospital and the court shall order him returned to the place from which he was transported or to his home.

(e) Upon a showing of need the court may grant a reasonable continuance to either the patient's attorney or the attorney for the state. (Added 1977, No. 252 (Adj. Sess.), § 17.)

§§ 7506, 7507. Repealed. 1977, No. 252 (Adj. Sess.), § 36.